

# **EXHIBIT B**

**Stephen E. Fienberg - - Legal Consulting & Testimony and Related Activities**

1. *Twentieth Century Fox v. Woods Amusement Corp.*, testified for the defendant, in Federal District Court, Chicago, 1969.
2. Consultant for Shook, Hardy & Bacon, representing Eli Lilly in several cases regarding the effects of taking DES during pregnancy, 1975.
3. *Premium Corp. of America v. ??*, testified for the plaintiff (Levitt, Palmer, Bowen, Bearmon & Rotman), in connection with a method used to sample fur collars from a set of boxes, in Federal District Court, Minneapolis, 1977.
4. *NOW and EEOC v. 3M et al.*, Title VII sex-based employment discrimination case, prepared material for testimony for plaintiffs (EEOC and Sprenger, Olson & Shutes), in Federal District Court, Minneapolis, 1979-81. Case was settled following my testimony.
5. *Nagy, EEOC, et al. v. Jostens et al.*, Title VII sex-based employment discrimination case, Minneapolis, 1980-84, testified for plaintiffs (EEOC and Dayton, Herman, Graham & Getts), in Federal District Court, Minneapolis, 1983 (settled, 1984).
6. *Anschutz Land and Livestock Co. et al. v. Union Pacific Corp. et al.*, consultant for the defendants (Covington and Burling; Vinson and Elkins), preparation of data base on mineral reservations and use of sampling for evaluation of data base, in Federal District Court, Utah, 1981-1982.
7. *N.A.A.C.P. et al. v. Starrett City*, consultant for the defendants (Delmar Management Co.), racial discrimination violation of the Federal Fair Housing Act, in Federal District Court, New York (Eastern District), 1984. Case was settled.
8. *USA v. Kiyo Maru No. 55*, consultant for defendant (Bradbury, Bliss & Riordan), in connection with estimation procedure for fish catches using sample data, in Federal District Court, Alaska, 1984.
9. *Susan B. Long and Phillip H. Long v. IRS*, prepared affidavit and was deposed as witness for the plaintiff (Bendich, Stobaugh & Strong), in connection with claims by IRS regarding harm resulting from disclosure of tax survey data, in Federal District Court, Seattle, 1985-86.
10. *Westinghouse Electric Corp. v. Board of Property Assessment et al.*, testified for the defendants (Borough of Churchill, Goehring & West), in connection with a study of assessed values and sales prices, in Common Pleas Court of Allegheny County, Pittsburgh, 1986.
11. *People v. Jamieson*, testified for the defendant (Office of the Public Defender, County of Allegheny), in connection with forensic blood evidence in a series of rape cases, in Common Pleas Court of Allegheny County, Pittsburgh, 1987. The defendant was convicted.
12. *American Geophysical Union et al. v. Texaco Inc.*, consultant for the defendants in

connection with study on the costs of photocopying from scientific journals, in Federal District Court, 1987.

13. *Frank Luketic, et al. v. SME Bessemer Cement Inc, et al.*, prepared report for defendants (Sykov and Love, Baskin Flaherty Elliott & Mannino), age discrimination case, in Federal District Court, Pittsburgh, 1987-1988 (settled 1988).
14. *In re R. J. Reynolds Tobacco Co., et al.* (Federal District Court, E.D. New York), prepared affidavit in connection with request for access to medical study data base for defendants (Womble Carlyle Sandridge and Rice), in 1988.
27. *New York City, et al. v. U.S. Department of Commerce, et al.*, prepared affidavit for plaintiffs (City of New York Corporation Counsel) and was deposed in connection with lawsuit on adjustment of the 1990 decennial census, in Federal District Court, (E.D. New York), 1988 . Testified at trial for plaintiffs (City of New York Corporation Counsel, Arnold and Porter) on matters of sampling, statistical analysis, and the quality of coverage evaluation in connection with the census Post Enumeration Survey, New York, May 1992. Case ultimately decided by the U.S. Supreme Court in favor of defendant.
16. *Doreen Coulson v. Wetterau Inc.*, prepared report for defendants (Alder Cohen & Grigsby), sex discrimination case, in Federal District Court, Pittsburgh, 1989.
17. *Johnson Controls Inc. v. Mac-Jam, Inc. d/b/a Regent Bottling Co.*, prepared report for defendants (Cohen & Grigsby), assessment of damages in connection with defective products, in Federal District Court, Pittsburgh, 1991.
18. *Ahmed v. Queen*, preparation of affidavits for plaintiff (A. Deken) on matters of sampling of court records and statistical analysis of sampled cases in connection with request for leave to appeal immigration ruling, Ontario Court (General Division), 1992-1994.
19. *Alfred Bluitt, et al. v. R. J. Reynolds Tobacco Co., et al.*, prepared affidavit in connection with request for access to research data from study of health effects of second hand smoke, for defendants (Womble Carlyle Sandridge and Rice), in Federal District Court, Texas & Louisiana, 1994.
20. *Wal-Mart v. IRS*, consultant for defendant in connection with estimation of inventory shrinkage, 1993-1995, and testified at trial in U.S. Tax Court, August, 1996. Court ruled in favor of plaintiff.
21. *Palino v. IBM*, consultant for plaintiff (Szaferman, Lakind, Blumstein, Watter & Blader) in connection with epidemiological evidence on the health effects (e.g., carpal tunnel syndrome) of repetitive keyboard activities, in Federal District Court, 1994.
22. *Knopnicki v. Department of Energy*, consultant for defendant in connection with preparation for EEOC hearing on racial discrimination, 1995.
23. Consultant to Shaw, Pittman, Potts & Trowbridge, in connection with statistical analysis of

“root cause” of equipment malfunctions re proposed testimony before regulatory agency, 1995.

24. *Ortho Pharmaceutical Corp. v. Amgen, Inc.*, end dispute arbitration over royalty payment, Chicago, consultant for defendant (Cooley, Godward, and Putnam, Hayes, and Bartlett) 1995-1996, deposed and testified at trial, May, 1996. Judge ruled largely in favor of defendant.
25. *Troster v. State Department of Corrections* (Federal District Court, W.D. Pennsylvania), consultant to Pennsylvania Attorney General’s office in connection with issues relating to design of a survey prepared by an expert for the plaintiff, 1996-1997; testified at trial in Federal District Court, December, 1997. Court ruled in favor of defendant.
26. *Lefco v. Microsoft Corporation, King County* (Washington, Superior Court No. 95-2-23245-1-SEA), in connection with statistical analysis of software purchasers call database, consultant for the defendant (Montgomery, McCracken, Walker & Rhoads), 1996.
28. *Ryder, Jones, et al. v. Taco Bell Corp., King County, Washington, Superior Court*, in connection with design of a sample survey for the defendant (Skadden, Arps, Slate, Meagher, and Flom), 1997. Case was settled.
29. *U.S. House of Representatives et al. v. William J. Clinton et al.* (Federal District Court, D.C.), and *Mathew Glavin et al. v. William J. Clinton et al.* (Federal District Court, E.D. Virginia, Alexandria), in case brought by several parties attempting to prevent the U.S. Bureau of the Census from using sampling in the 2000 decennial census. Prepared a declaration in support of the motion submitted by the City of Los Angeles and others to be given standing as intervenors for Defendants, 1998. Case ultimately decided by the U.S. Supreme Court in favor of plaintiffs.
30. *University of Pittsburgh Physicians v. Pennsylvania Blue Shield (Highmark)*, regarding the sampling of patients re medical services at UPMC-Presbyterian. Statistical consultant for UPP (Cohen & Grigsby), 1999. Case was settled subsequent to submission of my report.
31. *Treasury Board of Canada v. Public Service Alliance of Canada and Canadian Human Rights Commission* (Canadian Human Rights Tribunal), regarding the calculation of sampling weights in the implementation of regression for pay equity determination. Statistical consultant for Treasury Board. Case was settled without direct adjudication of these issues, 1999.
32. *Armstrong World Industries Inc. vs. Century Indemnity co. et. al.* (Institute for Dispute Resolution), consultant for claimants regarding review of expert reports re statistical methods in connection with asbestos claims (Covington & Burling), 1999.
33. *Labor Ready Inc. v. Gates, McDonald & Co. and Legion Insurance Co* (Case No: 99-137-CIV-J-20C Case No: 99-137-CIV-J-20C) in connection with the sampling of workers’ compensation claim files on behalf of plaintiff, including testimony at 2001 pretrial hearing in Federal District Court (Henderson Keasler), 1999-2001.

34. *Uniroyal Inc. v. American Re-Insurance et al.*, consultant to plaintiff in connection with design of sample of claims regarding consequences of asbestos exposure (McCarter & English), 2000-2001. Court ruled in favor of plaintiff.
35. *Kroeck v. Westinghouse and CBS, Inc. W.D.Pa. 00-370*, in connection with age discrimination case, prepared expert report for defendants (Houston Harbaugh), 2001. Case was settled subsequent to submission of my report.
36. *United States Tobacco v. Conwood*. Participated in preparation of motion to U.S. Supreme Court for leave to file brief as *Amicae Curiae* in support of petitioners, (Washington Legal Foundation), 2002. Denied.
37. *Royal Insurance Company of America et al. v. Latrobe Construction Company*, in connection with the validity of the sampling and statistical estimation methodology used by Latrobe to estimate the final premiums it owes or are due from Royal for workers' compensation claims. (Pietragallo Bosick & Gordon), 2003-2005.
38. Prepared sampling plan for examination of list of signatures on ballot petition in support of presidential candidacy of Ralph Nader. (Reed Smith), 2004.
39. *Barlieb, et al. V. Kutztown State University, et al.* (Civil Action No. 03-CV-4126, U.S. District Court, E.D. PA). Consultant for defendants in discrimination litigation (Cohen & Grigsby), 2004-2005.
40. *Commonwealth of Pennsylvania v. Charles J. "Zeke" Goldblum* (U.S. Federal district Court) W.D. PA). Prepared an expert report in connection with missing files sought in connected with a petition for a writ of habeas corpus (Lee Markovitz), 2004-2005.
41. *In re U.S.G. Corporation*, (U.S. Bankruptcy Court, Pittsburgh). Consultant re preparation of sampling plan for claims in asbestos personal injury lawsuits (Cooley, Godward), 2005.

#### **42. Related Legal Activities**

1. Member of OFCCP Statistical Standards Panel, prepared report on statistical inferences in employment discrimination and the calculation of back pay, 1978-79.
2. Organized (with M. Finkelstein) a series of two- and three-day seminars for AT&T on the use of statistics in employment discrimination litigation, 1979-80.
3. Co-Chair, Panel on Statistical Assessments as Evidence in the Courts, Committee on National Statistics, National Research Council, 1984-1989.
4. Member of Organizing Committee for Second International Conference on Forensic Statistics in Tempe, Arizona, March, 1993; Third International Conference on Forensic Statistics in Edinburgh, Scotland, July, 1996; Fourth International Conference on Forensic Statistics in Raleigh, North Carolina, December, 1999; Fifth International Conference on Forensic Statistics in Venice, Italy, August, 2002; Sixth International Conference on Forensic Statistics, to be held in Tempe Arizona, March 2005.
5. Consultant to Federal Judicial Center, 1998.
6. Organizer of National Academies of Sciences Sackler Symposium on Forensic Science, 2005.

#### **Publications on Statistics and the Law**

See Curriculum Vitae